

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1178
Vehicle Laws – Fines – Pilot Project for Income-Based Fines (Fair Fines Act of 2020)
DATE: February 19, 2020
(2/27)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1178. This legislation will require the District Court to establish a base fine in accordance with §27-101 for certain traffic violations and provide for the calculations of a fine imposed on an individual based on a certain adjusted gross income.

This bill is overly burdensome on the judiciary and would have great negative effect on the operations of the District Court. It further requires individuals that otherwise would prepay a citation to be forced to come to court. District Court traffic case dockets are already large, and this bill's requirement that every fine imposed by a court for certain traffic offenses be calculated by a formula based on the defendant's income would require in-depth hearings regarding a defendant's income in order to determine an appropriate fine. That would cause a substantial increase in court time to process traffic dockets.

Many individuals choose to prepay citations to avoid having to take time off from work. This bill prohibits the prepayment of such fines for offenses covered by the bill which would be unworkable as it would force all of these individuals to attend a hearing. As a result of requiring people to attend a hearing, it is expected the number of failure to appear will increase dramatically resulting in possible suspension of driver's licenses and potential incarceration. These same individuals would be required to disclose their personal finances in front of a room full of other strangers waiting for their case to be called.

Also, while the bill explains that fines in such cases are to be based on the defendant's income and explains what type of income may be considered by courts, it does not provide guidance on the types of evidence that parties should provide and that courts should examine to make a finding on a defendant's income level. One unintended result

of this ambiguity may be that defendants would be pressured in court to provide statements under oath about their income and, if such statements turned out to be incorrect, the defendants could be at risk of perjury charges which are more severe than the underlying traffic offenses.

Finally, by basing fine amounts primarily on defendants' incomes, rather than on the offenses committed, the bill may risk undermining in certain circumstances the deterrent effect of the fines and may violate the equal protection clauses of the Federal and State Constitutions.

cc. Hon. Vaughn Stewart
Judicial Council
Legislative Committee
Kelley O'Connor